

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Norma Jean Smith,)	
)	
Plaintiff,)	C.A. No. 6:07-2633-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
Dr. Roger H. Gower; Greenville)	
OB/GYN and Associates; Greenville)	
East Center for Women; Dr. Phillip)	
Greig; and Greenville Memorial)	
Hospital,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.¹ Norma Jean Smith (“Smith”) alleges a cause of action against the Defendants for medical malpractice committed during the 2001 birth of her daughter and the 2005 birth of her son. All parties are South Carolina residents. Magistrate Judge Hendricks recommends dismissing the complaint without prejudice and without issuance and service of process because neither the requirements for diversity nor federal question jurisdiction have been met. (Report and Recommendation 4.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (2006).

For the same reason, the Magistrate Judge recommends mooted Smith's motion to extend the time to pursue this case. (Id.)

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Smith did not file objections to the Report and Recommendation. However, on August 14, 2007, and August 20, 2007, she filed motions for "continuance." Beyond indicating that her filings were both "a motion for continuance," Smith provided no details regarding the nature of the relief she is seeking. To the extent Smith is moving for an extension of time to file objections, this motion is denied because there is no basis for federal jurisdiction in this case.

Therefore, it is

ORDERED that Smith's complaint is dismissed without prejudice and without issuance and service of process. It is further

ORDERED that Smith's motion for extension of time to pursue case, docket number 5, is moot. It is further

ORDERED that Smith's motion to continue, docket number 17, is denied. It is further

ORDERED that Smith's motion to continue, docket number 18, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
August 23, 2007

NOTICE OF RIGHT TO APPEAL

The plaintiff is hereby notified that she has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.